IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 482 OF 2004
IN
SECOND APPEAL NO. 507 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Mr. V.S. Kapse for the applicant.

Mr. P.G. Chavan holding for Mr. S. S. Patwardhan for the respondents 1 & 2.

CORAM: P.V. KAKADE, J.

DATED: 23RD SEPT., 2005

P.C.:

1. Heard both sides.

2. This is an application for stay of the order passed by the lower appellate Court in Civil Appeal No. 241 of 2002 by which appeal was dismissed and decree passed by the Trial Court in R.C.S. No. 63 of 1995 was confirmed which directed the defendant to hand over the possession of the suit property to the respondent.

3. The learned counsel for the respondent vehemently objected to the granting of stay on the ground that his legal rights would be affected if the stay is granted. In

this regard, it must be noted that second appeal is already admitted and applicant is already protected by ad-interim relief. It is also to be noted that it would be necessary to adjudicate the dispute on merits once the appeal is admitted and, therefore, status-quo in that regard will have to be maintained with regard to the suit property.

Under the circumstances, the application is made absolute in terms of prayer clause (a) and stands disposed of with no order as to costs.

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